



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATION FOR LICENSE TO POSSESS DISPOSED RADIOACTIVE MATERIAL AND DECOMMISSION THE INACTIVE SITE

INSTRUCTIONS

1. Any person (individual, corporation or other legal entity) who owns, operates, controls or possesses an inactive radioactive material disposal site must apply for a license to decommission by January 1, 2000 under Title 30 of the Texas Administrative Code (TAC) §336.615. The applicant is referred to 30 TAC Chapters 1-100, 281, 305 and 336 for technical and procedural regulations.
2. Any person, whose possession of buried radioactive material is authorized by the Texas Department of Health, is exempt from 30 TAC §336.615.
3. Owners of sites that meet commission requirements for unrestricted use in accordance with 30 TAC §336.603 need not apply, but they should submit information demonstrating compliance with the unrestricted use decommissioning standards.
4. The application (one signed original plus five complete copies) should be mailed to:

Texas Commission on Environmental Quality
Waste Permits Division
Attention: Radioactive Material Licensing Team, MC-126
PO Box 13087
Austin TX 78711-3087

Telephone inquiries:

- (512) 239-2334 - Technical
- (512) 239-0600 - Legal
- (512) 239-0357 - Fees
- (512) 239-6832 - Solid Waste Registration
- (512) 239-0300 - Financial Assurance

Organization and labeling of information submitted should be consistent with the organization of this form. The application should be organized in three-ring binders, each not to exceed three inches in thickness. All pages should be numbered and placed in the binders. After an application is submitted, any revised text, figures,

tables, or maps should be clearly marked as revisions and dated. New pages, figures, tables, or maps should be clearly marked as revisions and numbered or labeled appropriately for insertion in the application.

5. The application must be signed by the applicant or his authorized designee (Health & Safety Code §401.107(c)). If another person signs on behalf of the applicant, that person's title or relationship to the applicant should be shown. In all cases, the person signing the form should be authorized to do so by the applicant (§305.44). Proof of authorization must be submitted along with the application.
6. An application will not be processed until all information required to properly consider the application has been submitted. When the applicant fails to submit additionally requested information in a timely manner, the application will not be considered to be "filed in accordance with the rules and regulations of the commission" and may be returned (30 TAC §281.18).
7. Fees and Costs:
 - a. The fee for filing an application for a new license or major license amendment is \$10,000 (30 TAC §336.105(a)(1) and (c)).
 - b. The applicant is required to publish notice, at his cost, at least once in a newspaper of largest general circulation in the county in which the facility is located (30 TAC §39.707(a) and §39.711(b)).
 - c. Payment of fees shall be made at the time the application is submitted and shall include a copy of page 1 of the application form. Payment should be sent to:

Texas Commission on Environmental Quality
Financial Administration Division
Revenues Section
PO Box 13088
Austin, TX 78711-3088

8. Designation of Material as Confidential:

The commission has responsibility to provide a copy of each application to other review agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the commission requests that an applicant submitting data or information (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The commission suggests that the applicant **NOT** submit confidential information as part of the permit application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application and cross-referenced to a separate document or binder entitled "CONFIDENTIAL MATERIAL." At the time of submission, the document or binder itself and each page individually must be conspicuously marked "CONFIDENTIAL."

Reasons for designating material confidential may include avoiding disclosure of trade secrets, proprietary processes, economics of operation or information that if made

public would give an advantage to competitors or bidders. This includes authorizations under 5 U.S.C., 5552(b)(4) and special rules cited in 40 Code of Federal Regulations, §§2.301-2.309. The composition of the waste subject to the jurisdiction of the commission may not be regarded as confidential information. Finally, the name and address of the applicant or bidder may not be regarded as confidential information.

Information designated as confidential and accepted as such by the commission, will not be made public. However, any open records request that is received by the commission regarding information that an applicant claims to be confidential will be forwarded by the executive director of the commission to the Texas Attorney General in accordance with the Texas Government Code, §552.301. Following submission, the Attorney General will make a determination whether the designated confidential information is within an exception to the requirements to provide the information to the public or not.

9. All engineering plans, specifications, and other related documents must be prepared, sealed, signed, and dated by a Texas professional engineer, in accordance with Section 131.138 of the rules of the Texas Board of Professional Engineers. The Board rules require that all engineering pages be sealed, signed, and dated unless contained in a bound document, in which case only the original title sheet needs to be sealed. If a single seal is used on a bound document, there must be a note near the seal clearly stating which pages of the document the seal covers. All engineering drawings or plans must be individually sealed. If there are subsequent revisions to pages covered by the engineering seal, each revised page must be individually sealed. An engineer may not seal a document in a field outside of his or her area of expertise. If more than one P.E.'s work is contained in a document, both seals are required on the document and the limits of their work clearly indicated. Please refer to the Texas Engineering Practice Act and the rules of the Texas Board of Professional Engineers for more information.
10. All geoscience documents must be prepared by or under the supervision of a licensed professional geoscientist, in accordance with Section 6.01 of the Texas Geoscience Practice Act. Geoscience includes the science of the earth and its origin and history, the investigation of the earth's environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the earth. All geoscience documents submitted in this application must bear the full name, signature, date, license number, and seal of the geoscientist under which the document was prepared.

PROCEDURAL INFORMATION

1. The executive director's staff will review the application for completeness. During the review, the applicant may be contacted for clarification or additional information. When all pertinent information has been submitted, the technical evaluation by the staff will begin. The application or a summary of its contents may be forwarded for review to other state agencies and local governmental entities. After technical evaluation by staff is completed, a final draft license or a recommendation of denial will be prepared. Upon receipt of the final draft license, the applicant must provide public notice in accordance with 30 TAC §39.707(a).

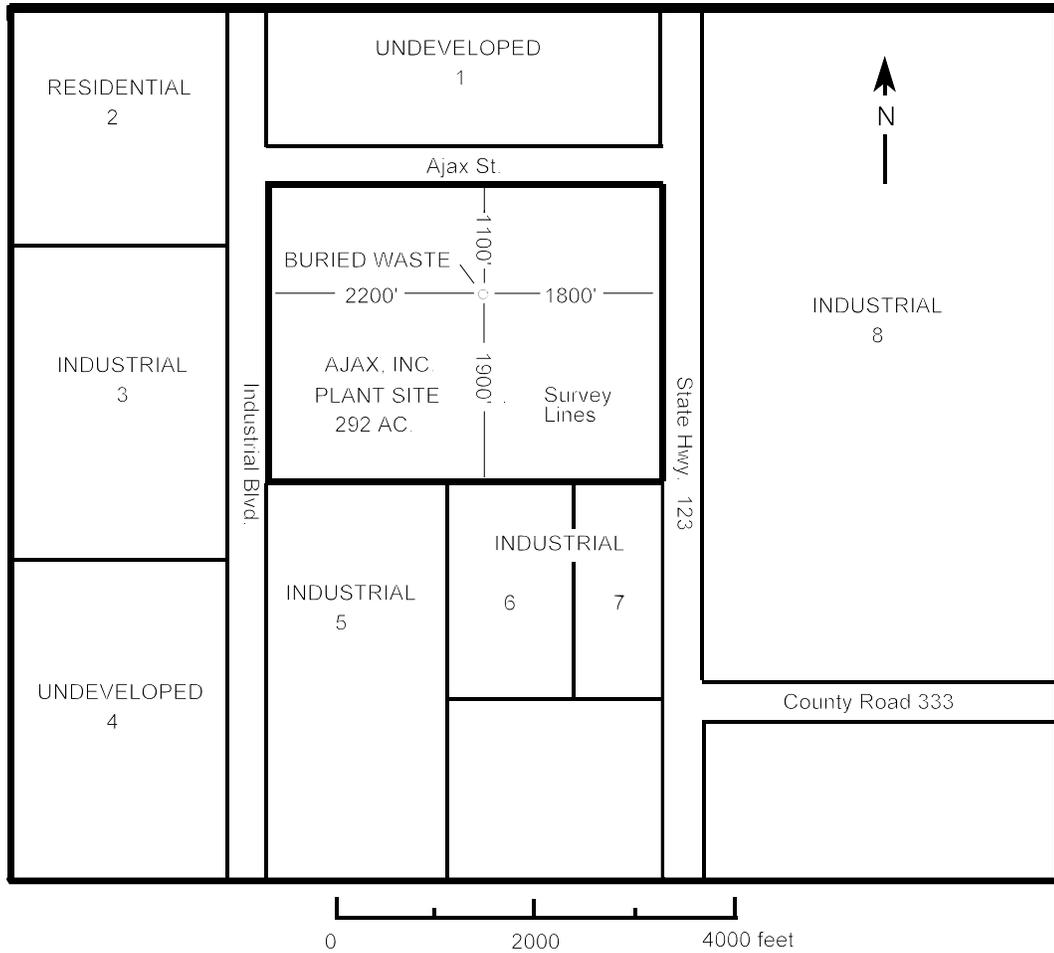
If the action is uncontested, the executive director may approve the application according to 30 TAC §50.131(b)(11).

2. Requirements for Giving Notice of the Application:
 - a. By the Applicant: The Office of the Chief Clerk will notify the applicant and provide instructions and proper notice language. The applicant must publish notice of the application at least once in accordance with 30 TAC §39.707(a).
 - b. By the Texas Commission on Environmental Quality: The Office of the Chief Clerk will mail notice of the application to appropriate persons and government entities as required by 30 TAC §39.413(2), (3), (8), (9), and (12) and §39.705. The notice will be mailed at the same time instructions for newspaper publication are mailed to the applicant.

3. Final Consideration of the License Application:

The applicant will be notified by the commission when the application is set for final consideration. If the commission issues the license, the applicant will be mailed a copy of the license by the TCEQ Office of the Chief Clerk within one (1) month following issuance. (NOTE: Only one copy is mailed to the applicant. That copy will be sent to the official mailing address of the applicant as shown on the license application form.)

SAMPLE APPLICATION MAP



LANDO

WNERS CROSS-REFERENCED TO APPLICATION MAP

- | | |
|---|--|
| <p>1. Mr. & Mrs. Samuel L. Davis
11901 Knights Bridge
Austin, Texas 78759</p> <p>2. Mr. & Mrs. Edward Sanchez
1405 Craigmont Lane
Waco, Texas 76710</p> <p>3. Tex-Link Corp.
8411 Zip Street
Houston, Texas 77590</p> <p>4. Mr. & Mrs. Ted Goldsby
3210 20th Street
Waco, Texas 76724</p> | <p>5. Jaxson Brewing Co.
4240 Line Road
Dallas, Texas 77640</p> <p>6. Plainview Company
6647 Star Blvd.
Houston, Texas 77590</p> <p>7. ABC Chemicals, Inc.
1212 Austin Ave.
Dallas, Texas 77640</p> <p>8. Big-C Bottle Co.
10024 N.W. Hwy.
Bovina, Texas 79402</p> |
|---|--|



RW-_____

TEXAS COMMISSION ON ENVIRONMENTAL RESOURCES

**APPLICATION FOR LICENSE TO POSSESS DISPOSED
RADIOACTIVE MATERIAL AND DECOMMISSION
THE INACTIVE SITE**

I. GENERAL INFORMATION

A. Type of Application Submittal:

Initial ____ Amendment ____

B. Facility Name _____

Street Address _____

Mailing Address _____

City _____, Texas Zip Code _____

County: _____

C. Owner: _____

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____

_____ E-mail address _____

Charter Number _____

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State and provide a complete mailing address for the agent. The agent must be a Texas resident.

D. Operator (if different from owner): _____

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____

_____ E-mail address _____

Charter Number _____

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State and provide a complete mailing address for the agent. The agent must be a Texas resident.

E. Indicate the ownership status of the facility

1. Private: (a) Corporation _____
(b) Partnership _____
(c) Proprietorship _____
(d) Nonprofit organization _____

2. Public: (a) Federal _____
(b) Military _____
(c) State _____
(d) Regional _____
(e) County _____
(f) Municipal _____

3. Other (specify) _____

F. List those persons or firms authorized to act for the applicant during the processing of the license application. Also indicate the capacity in which each person may represent the applicant (health physics, engineering, geology, legal, etc.). The person listed first will be the primary recipient of correspondence regarding this application. Include the complete mailing address, e-mail address, fax and telephone number(s) for each person listed.

- G. Specify the individual who will be responsible for causing notice to be published in the newspaper. Include his or her complete mailing address, fax and telephone number.
- H. If application is for amendment to existing license(s), please describe all requested license changes (in a manner that facilitates their incorporation into the license) and the reasons for the request.

SIGNATURE PAGE

I, _____, _____
(applicant) (title)

Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature _____, Date _____
(applicant or applicant's authorized agent)

TO BE COMPLETED BY THE APPLICANT IF THE APPLICATION IS SIGNED BY AN AGENT FOR THE APPLICANT

I, _____ hereby designate _____
(applicant) (agent)

as my agent and hereby authorize said agent to sign any application, submit additional information as may be requested by the commission, and/or appear for me at any hearing, agenda, or session before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Radiation Control Act license. I further understand that I am responsible for the contents of this application, for oral statements given by my agent in support of the application, and for compliance with the terms and conditions of any license which might be issued based upon this application.

Printed or Typed Name of Applicant or Principal Executive Officer

Signature

(Note: Application Must Bear Signature & Seal of Notary Public)

SUBSCRIBED AND SWORN to before me by the said _____
on this _____ day of _____, 20_____.

My commission expires on the _____ day of _____, _____.

Notary Public in and for

County, Texas

II. FACILITY BACKGROUND INFORMATION

A. Indicate (by listing the permit/license number(s) in the column below) all existing, pending, or interim status permits or licenses; permits-by-rule; state and/or federal permits or other approvals which pertain to pollution control or waste management conducted by your facility (§305.45(a)(7)). Complete each blank by entering the permit/license number, the date of application, or "none".

	Relevant Program and/or Law	Permit No./ License No.	Gov. Agency*
1.	Texas Solid Waste Disposal Act	_____	_____
2.	Wastewater disposal under the Texas Water Code	_____	_____
3.	UIC program under the Texas Water Code and the Safe Drinking Water Act	_____	_____
4.	Texas Clean Air Act	_____	_____
5.	Texas Uranium Surface Mining & Reclamation Act	_____	_____
6.	Texas Surface Coal Mining & Reclamation Act	_____	_____
7.	Hazardous Waste Management program under the Resource Conservation and Recovery Act	_____	_____
8.	NPDES program under the Clean Water Act	_____	_____
9.	PSD program under the Clean Air Act	_____	_____
10.	Nonattainment program under the Clean Air Act	_____	_____
11.	National Emission Standards for Hazardous Pollutants (NESHAP) preconstruction approval under the Clean Air Act	_____	_____
12.	Ocean dumping permits under the Marine Protection Research and Sanctuaries Act	_____	_____
13.	Dredge or fill permits under Section 404 of the Clean Water Act	_____	_____
14.	Texas Radiation Control Act	_____	_____
15.	Other relevant environmental permits/licenses	_____	_____

*Use the following acronyms for each agency as shown below:

TCEQ = Texas Commission on Environmental Quality
 RCT = Railroad Commission of Texas
 TDH = Texas Department of Health
 NRC = U.S. Nuclear Regulatory Commission

EPA = U.S. Environmental Protection Agency
 CORPS = U.S. Army Corps of Engineers
 TDA = Texas Department of Agriculture

Latitude: ___° ___' ___" North Longitude: ___° ___' ___" West

Latitude: ___° ___' ___" North Longitude: ___° ___' ___" West

D. Adjacent Landowners

Submit as "Attachment B" a map and a cross-referenced list of complete mailing addresses for all landowners adjacent to the facility (see example on page v of the instructions). Also, submit a diskette containing the mailing list, in the latest WordPerfect format.

- E. If the applicant is a corporation under the Texas Business Corporation Act, provide written verification (either affidavit or tax receipt) as "Attachment C" , to confirm that no tax owed the State under Chapter 171, Tax Code, is delinquent (30 TAC §305.54(b)).

III. FINANCIAL ASSURANCE

Submit as "Attachment D" a signed statement regarding how the applicant will provide financial assurance for decommissioning, using one or more of the mechanisms specified in 30 TAC 37 Subchapter S (30 TAC §336.619). If the site will not be suitable for unrestricted use after decommissioning, financial assurance for control and maintenance will also be required (30 TAC §336.623).

IV. TECHNICAL REPORT

This information must be as complete and accurate as possible, based on the full extent of information available to the applicant about the previous disposal activities; and demonstrate that the disposal site has no undue impact on public health or safety or the environment (§§336.613, 336.617, 305.45 and 305.54).

- (1) Provide a description of the radioactive material involved, including the quantities and types of radioactive material, the levels of radioactivity, and the physical and chemical properties important to risk evaluation (§336.617(a)(1)).
- (2) Describe the manner and conditions of disposal. Provide information on the packaging of the wastes, the characteristics of the disposal site (e.g., geological, hydrological, and topographical), as-built disposal trench or landfill construction, final cover construction, and depth of burial of wastes (§336.617(a)(1)).
- (3) Provide an analysis and evaluation of pertinent information on the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics and use of groundwater and surface water in the general area.
- (4) Describe the nature and location of other potentially affected facilities.
- (5) Describe the analyses and procedures that ensure that doses are maintained as low as is reasonably achievable (ALARA) (§336.304(b), §336.603(a) & (b), §336.607(1), and §336.609(a)(3)) and within the dose limits of 30 TAC 336.

- (6) Describe any radiological monitoring performed at the site and provide the resulting data. Include methodology used and date(s) of sampling (§336.617(a)(2)).
- (7) Provide the identity and technical qualifications of personnel responsible for radiation safety functions at the site (e.g., Radiation Safety Officer) (§336.617(a)(3)).
- (8) Describe the methods of restricting access to the site (e.g., fencing) and any permanent site markers (§336.617(a)(4)).
- (9) Provide information on land ownership and any covenants on land use imposed by recorded title documents (§336.617(a)(5)).
- (10) Provide a plan to decommission the site that includes a timetable, cost estimate, and an evaluation of the alternative of disposing of the radioactive material at a licensed disposal facility (§336.617(a)(6) & (a)(7) and §336.613).
- (11) Describe how the facility design and procedures for operation minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste (§336.617(a)(8) and §305.54(f)).
- (12) Provide any other information the executive director may require (§305.54(e)).